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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Cornell Wilson, Jr.,

10 Petitioner,

11 v.

12 Charles L Ryan, et al.,

13 Defendants.
14

No. CV-19-01979-PHX-GMS

ORDER

15 Pending before the Court are Petitioner's Petition for Writ of Habeas Corpus and
16 United States Magistrate Judge Fine's Report and Recommendation ("R&R"). (Docs. 1,
17 14.) The R&R recommends that the Court dismiss the Petition with prejudice. (Doc. 14
18 at 13.) The Magistrate Judge advised the parties that they had fourteen days to file
19 objections to the R&R and that failure to file timely objections could be considered a
20 waiver of the right to obtain review of the R&R. *Id.* at 13-14 (citing 28 U.S.C. § 636(b)(1);
21 Fed. R. Civ. P. 6, 72; *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)).

22 The parties did not file objections, which relieves the Court of its obligation to
23 review the R&R. *See Reyna-Tapia*, 328 F.3d at 1121; *Thomas v. Arn*, 474 U.S. 140, 149
24 (1985) ("Section 636(b)(1)] does not . . . require any review at all . . . of any issue that is
25 not the subject of an objection."); Fed. R. Civ. P. 72(b)(3) ("The district judge must
26 determine de novo any part of the magistrate judge's disposition that has been properly
27 objected to."). The Court will accept the R&R and dismiss the Petition with prejudice. *See*
28 28 U.S.C. § 636(b)(1) (stating that the district court "may accept, reject, or modify, in

1 whole or in part, the findings or recommendations made by the magistrate”); Fed. R. Civ.
2 P. 72(b)(3) (“The district judge may accept, reject, or modify the recommended disposition;
3 receive further evidence; or return the matter to the magistrate judge with instructions.”).

4 **IT IS HEREBY ORDERED:**

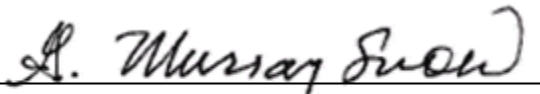
5 1. Magistrate Judge Fine’s R&R (Doc. 14) is **ACCEPTED**.

6 2. Petitioner’s Petition for Writ of Habeas Corpus (Doc. 1) is **DISMISSED**
7 **WITH PREJUDICE**.

8 3. The Clerk of Court shall **TERMINATE** this action and enter judgment
9 accordingly.

10 4. Pursuant to Rule 11(a) of the Rules Governing Section 2254 Cases, in the
11 event Petitioner files an appeal, the Court declines to issue a certificate of appealability
12 because reasonable jurists would not find the Court’s procedural ruling debatable. *See*
13 *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

14 Dated this 21st day of May, 2020.

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17 G. Murray Snow
18 Chief United States District Judge
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